

Differing Types of Land Grants

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I. Introduction

A. Objectives of presentation

II. Pre-1848 classification

A. A continuum rather than mutually exclusive categories

1. Private land grants
2. Community land grants: common lands as the defining characteristic
 - a) Pueblo grants
 - b) Nuevomexicano grants
 - c) Daughter and subgrants

III. Community land grants as private land claims and quasi-public entities

A. Common lands as tenancies-in-common and partition suits

B. Recognizing community land grants in New Mexico legislation

1. Territorial: statute specific and general provisions land grants
2. Community land grants as quasi municipal organizations and as livestock cooperatives
3. Community land grants as corporations with share ownership

C. The 2004 statute defining Article I land grants as units of government

IV. Unresolved issues under current legislation

- A. When is an Article I grant a unit of government?
- B. Statutory-specific land grants have needs similar to Article I grants
- C. Following the Treaty's general intent in resolving ambiguities

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